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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,190	07/19/2001	Jan Kransmo	P14654-US1	9134
27045 7590 11/25/2008				
ERICSSON INC.				
6300 LEGACY DRIVE				
M/S EVR 1-C-11				
PLANO, TX 75024				
EXAMINER				
HO, CHUONG T				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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DETAILED ACTION

1. The amendment filed 10/23/08 have been entered and made of record.
2. Applicant's arguments with respect to claims 3-4, 7, 14, 16-17, 24, 27-28, 32-33 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 3-4, 7, 14, 16-17, 24, 27-28, 32-33 are currently pending in the application.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2008 has been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 16, 17, 24, 27-28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laiho (U.S. Patent No. 6,061,572) in view of Wilhelm (Patent No.: US 6,950,675 B2).

As to claim 3, Laiho '572 discloses a telecommunication system for delivering a Short Message Service (SMS) message within a network capable of providing both voice services on a voice carrier and data services on a data only carrier, said telecommunication system comprising:

A mobile station (MS) supporting both voice services and data services, said MS being currently involved in a data session on said data only carrier (col. 1, line 56; col. 1, line 63; col. 3, lines 39-40);

A node in wireless communication with said MS for receiving said SMS message encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS as an electronic mail message over said data only carrier without disrupting said data session (col. 3, lines 45-51, sending the short message over the TCP/IP connection means encapsulating short message into an Internet Protocol (IP) packet) (col. 3, lines 55-65, sending short message to E-mail);

Wherein said node further operates to check whether said MS is involved in said data session prior to encapsulating said SMS message into said IP packet, said node transmitting said SMS message to said MS when said MS is not involved in said data session (col. 3, lines 37-38).

However, Laiho ' 572 is silent to disclosing wherein said MS transmits to said node a feature code indicating that said MS is in data mode when said data session begins .

Wilhelm '675 disclose a network operable to provide Short Message Service (SMS) messages (col. 7, lines 1-5, short messages) , voice services (col. 7, lines 1-5, voice services) on a voice carder and data services (col. 7, lines 1-5, data services) on a data only carrier; wherein said MS (figure 1, MT) transmits to said node via a base station (figure 1, BS1, BS2) a feature code (col. 3, lines 11-17, identification codes) indicating that said MS is in data mode when said data session begins (col. 7, lines 1-5, MT selects data mode when data session begins).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio services via the various system identification codes and store them in the subscriber profiles.

7. As to claim 4, Laiho '572 discloses wherein said node is a Mobile Service Switching Center (see figure 8, VPMSC, VP Mobile Switching Ceter).

8. Regarding to claim 16, Laiho discloses a Mobile Service Switching Center for delivering a Short Message Service (SMS) message to a mobile station (MS) supporting

both voice services and data services, said Mobile Services Switching Center comprising:

means for determining whether said MS is currently involved in data session on a data only carrier (col. 1, line 56, col. 1, line 63; col. 3, lines 39-40; col. 3, line 43 – cause code);

Conversion logic for encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS over said data only carrier as an electronic mail message when said MS is involved in said data session (col. 3, lines 45-51).

However, Laiho '572 is silent to disclosing wherein said means for determining comprises a feature code indicating that said MS is involved in said data session, said feature code being sent by said MS at the start of said data session.

Wilhelm '675 disclose means for delivering a Short Message Service (SMS) messages (col. 7, lines 1-5, short messages) to a mobile station (MS) over a network supporting voice services (col. 7, lines 1-5, voice services) on a voice carder and data services (col. 7, lines 1-5, data services) on a data only carrier; wherein said MS (figure 1, MT) transmits to said node via a base station (figure 1, BS1, BS2) a feature code (col. 3, lines 11-17, identification codes) indicating that said MS is in data mode when said data session begins (col. 7, lines 1-5, MT selects data mode when data session begins).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since

Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio services via the various system identification codes and store them in the subscriber profiles.

9. Regarding claim 17, Laiho '572 discloses a Visitor Location Register associated with said Mobile Service Switching Center (Mobile Switching Center, MSC) (figure 1, col. 8, lines 15-35, figures 3-4).

However, Laiho '572 said feature code is stored in a Visitor Location Register associated with said Mobile Service Switching Center (Mobile Switching Center, MSC).

Wilhelm '675 disclose said feature code is stored in a Base Station (figure 1, col. 3, lines 1-25, identification codes)

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio services via the various system identification codes and store them in the subscriber profiles.

10. Regarding claim 24, Laiho '572 discloses a system for delivering a Short Message Service (SMS) message to a mobile station (MS) supporting both voice services and data services, said system comprising:

Means for determining whether said MS is currently involved in a data session on a data only carrier (col. 1, lines 56, col. 1, line 63, col.3, lines 39-40, col. 3, line 43 – cause code);

Conversion logic for encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS over said data only carrier as an electronic mail message when said MS is involved in said data session (col.3, lines 45-51).

However, Laiho '572 are silent to disclosing means for delivering a Short Message Service (SMS) message to a mobile station (MS) over a network supporting voice services on a voice carder and data services on a data only carrier;

Wilhelm '675 disclose means for delivering a Short Message Service (SMS) messages (col. 7, lines 1-5, short messages) to a mobile station (MS) over a network supporting voice services (col. 7, lines 1-5, voice services) on a voice carder and data services (col. 7, lines 1-5, data services) on a data only carrier; wherein said MS (figure 1, MT) transmits to said node via a base station (figure 1, BS1, BS2) coupled to said Base Station Controller (figure 1, RRM) a feature code (col. 3, lines 11-17, identification codes) indicating that said MS is in data mode when said data session begins (col. 7, lines 1-5, MT selects data mode when data session begins).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio

services via the various system identification codes and store them in the subscriber profiles.

11. Regarding claim 27, Laiho '572 discloses a system for delivering a Short Message Service (SMS) message to a mobile station (MS) supporting both voice services and data services, said system comprising:

Means for determining whether said MS is currently involved in a data session on a day only carrier (col. 1, lines 56, col. 1, line 63, col.3, lines 39-40, col. 3, line 43 – cause code);

for encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS over said data only carrier as an electronic mail message when said MS is involved in said data session (col.3, lines 45-51).

said received indicator generating a response message to said Base Station Controller when said MS opens said electronic mail message (col. 1, lines 56, col. 1, line 63, col.3, lines 39-40, col. 3, line 43 – cause code).

However, Laiho '572 are silent to disclosing means for delivering a Short Message Service (SMS) message to a mobile station (MS) over a network supporting voice services on a voice carder and data services on a data only carrier

Wilhelm '675 disclose means for delivering a Short Message Service (SMS) messages (col. 7, lines 1-5, short messages) to a mobile station (MS) over a network supporting voice services (col. 7, lines 1-5, voice services) on a voice carder and data services (col. 7, lines 1-5, data services) on a data only carrier; wherein said MS (figure

1, MT) transmits to said node via a base station (figure 1, BS1, BS2) coupled to said Base Station Controller (figure 1, RRM) a feature code (col. 3, lines 11-17, identification codes) indicating that said MS is in data mode when said data session begins (col. 7, lines 1-5, MT selects data mode when data session begins).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio services via the various system identification codes and store them in the subscriber profiles.

12. Regarding claim 28, Laiho '572 disclose the limitations of claim 27 above. However, Laiho '572 are silent to disclosing means for transmitting a delivery notification message to said Short Message Service Center upon receipt of said response message.

Wilhelm '675 disclose means for transmitting a delivery notification message to said Short Message Service Center upon receipt of said response message (col. 7, lines 1-15).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio services via the various system identification codes and store them in the subscriber profiles.

13. Regarding claim 32, Laiho discloses a method for delivering a Short Message Service (SMS) message within a network capable of providing both voice services on a voice carrier and data services on a data only carrier, said method comprising:

Receiving at a node in wireless communication with a mobile station (MS) supporting both voice services and data services said SMS message (col. 1, line 56; col. 1, line 63; col. 3, lines 39-40;

Determining whether said MS is currently involved in a data session on said data only carrier (col. 3, line 43 – cause code);

If not, routing said SMS message to said MS via said voice carrier (col.3, lines 38-40);

If so, encapsulating said SMS message into an Internet Protocol (IP) packet, and routing said SMS message to said MS as an electronic mail message without disrupting said data session (col. 3, lines 40-41, lines 46-51).

However, Laiho (6,061,572) is silent to disclosing wherein said MS transmits to said node a feature code indicating that said MS is in data mode when said data session begins from said MS to said node.

Wilhelm '675 disclose a network operable to provide Short Message Service (SMS) messages (col. 7, lines 1-5, short messages) , voice services (col. 7, lines 1-5, voice services) on a voice carder and data services (col. 7, lines 1-5, data services) on a data only carrier; wherein said MS (figure 1, MT) transmits to said node via a base station (figure 1, BS1, BS2) a feature code (col. 3, lines 11-17, identification codes) indicating

that said MS is in data mode when said data session begins (col. 7, lines 1-5, MT selects data mode when data session begins).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Wilhelm '675 into the system of Laiho '572, since Wilhelm '675 recited the motivation in the col. 1, lines 48-50 which provides their radio services via the various system identification codes and store them in the subscriber profiles.

14. Claims 7, 14, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Laiho '572 - Wilhelm '675) in view of Djuphammar (Patent No.: US 7,054,290 B1)

Regarding claim 7, the combined system (Laiho '572 - Wilhelm '675) disclose the limitations of claim 3 above.

However, the combined system (Laiho '572 - Wilhelm '675) are silent to disclosing wherein said node is a base station controller

Djuphammar '290 discloses wherein said node is a base station controller (see figure 1, col. 3, lines 5-20, base station controller transmit SMS messages).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching Djuphammar '290 into the combined system (Laiho '572 - Wilhelm '675), since Djuphammar '290 recites the motivation in the col. 1, lines 15-20, which dual modes operation in a wireless communication system.

15. As to claim 14, the combined system (Laiho '572 - Wilhelm '675) disclose the limitations of claim 3 above.

However, the combined system (Laiho '572 - Wilhelm '675) are silent to disclosing wherein said network is a Code Division Multiple Access 2000 network.

Djuphammar '290 disclose wherein said network is a Code Division Multiple Access 2000 network (see col. 1, lines 30-35, cdma2000)

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching Djuphammar '290 into the combined system (Laiho '572 - Wilhelm '675), since Djuphammar '290 recites the motivation in the col. 1, lines 15-20, which dual modes operation in a wireless communication system.

16. Regarding claim 33, the combined system (Laiho '572 - Wilhelm '675) disclose the limitations of claim 3 above.

However, the combined system (Laiho '572 - Wilhelm '675) are silent to disclosing wherein said node is a base station controller

Djuphammar '290 discloses wherein said node is a base station controller (see figure 1, col. 3, lines 5-20, base station controller transmit SMS messages).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching Djuphammar '290 into the combined system (Laiho '572 - Wilhelm '675), since Djuphammar '290 recites the motivation in the col. 1, lines 15-20, which dual modes operation in a wireless communication system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/20/08

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2419